

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONALD L. CALVIN,

Plaintiff,

V.

BILL ELFO, et al.,

## Defendants.

CASE NO. C20-00866-RSM

ORDER STRIKING PLAINTIFF'S  
RESPONSE TO MOTION FOR  
SUMMARY JUDGMENT

On March 4, 2021, the Court received Plaintiff's filing entitled "Response to Defendant's Motion for Summary Judgment." Dkt. #35.

As an initial matter, Plaintiff's filing is unsigned. Rule 11(a) of the Federal Rules of Civil Procedure requires that every pleading, motion, and other paper submitted to the Court be signed by the party. Fed. R. Civ. P. 11(a). Rule 11(a) further provides that any unsigned document must be stricken unless the omission of the signature is promptly corrected. *Id.* Because Plaintiff's Response is unsigned, it is not properly before the Court.

Furthermore, the title and content of Plaintiff's filing indicates that he intended this document as a response to Defendants' motion for summary judgment. The noting date for Defendants' summary judgment motion expired weeks ago on February 12, 2021. *See* Dkt. #29.

1 Since then, the Honorable Brian A. Tsuchida, U.S. Magistrate Judge, entered a Report &  
2 Recommendation (“R & R”) recommending that the Court grant Defendants’ motion for summary  
3 judgment and dismiss the case with prejudice. Dkt. #34. Plaintiff’s untimely response is not  
4 properly before the Court, given that he filed it several weeks after the noting date without moving  
5 for relief from the deadline.

6 Accordingly, for the reasons set forth above, Plaintiff’s filing dated March 4, 2021, is not  
7 properly before the Court. The Court hereby ORDERS:

- 8 (1) The Clerk shall STRIKE Plaintiff’s improperly filed response, Dkt. #35.
- 9 (2) The Clerk is directed to send copies of this Order to the parties and to Judge Tsuchida.

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11 Dated this 8<sup>th</sup> day of March, 2021.

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14 RICARDO S. MARTINEZ  
15 CHIEF UNITED STATES DISTRICT JUDGE  
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